

**Meeting of the Central Valley Flood Protection Board
January 16, 2009**

**Draft Staff Report
DWR Floodway Protection Section**

Item

Consider approval of Permit No. 18405 (Attachment A) to install pavement with 2 pedestrian overlooks, remove existing rail line and install new tracks; construct a new park which will include clearing and grubbing, grading, compacted fill, concrete walls and landscaping on the left (east) bank levee of the Sacramento River in Sacramento County.

Applicant

City of Sacramento Redevelopment Agency

Location

The project is located in Sacramento between O and R Streets. (Sacramento River, Sacramento County see Attachment B).

Description

To install approximately 1,400 linear feet of pavement approximately 20 feet wide with 41-foot-long and 46-foot-long pedestrian overlooks, remove existing rail line and install new tracks; construct a new park which will include clearing and grubbing of 16,500 square feet, grading, 3,000 cubic yards of compacted fill, 110 linear feet of concrete walls and 7,000 square feet of landscaping on the left (east) bank levee of the Sacramento River in Sacramento County.

Agency Comments and Endorsements:

- The U. S. Army Corps of Engineers endorsement has not been received but is anticipated to be received prior to the February 26, 2009 board meeting.
- The City of Sacramento has endorsed this application.

CEQA Findings:

Board staff has prepared the following CEQA findings:

The City of Sacramento, as Lead Agency, has prepared an Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Plan (SCH 2008022059, July 2008) for

their Docks Riverfront Parkway Promenade Project. Board staff anticipates completion of the final CEQA findings with sufficient time for review by Board members prior to the February 26, 2009 board meeting.

Section 8610.5 Compliance

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the entire State Plan of Flood Control:

This project has no effects on the State Plan of Flood Control.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

None.

Staff Recommendation

Upon completion of CEQA findings staff anticipates being able to recommend that the Board adopt the CEQA findings, approve the permit, and direct staff to file a Notice of Determination with the State Clearinghouse.

List of Attachments

- A. Permit
- B. Location maps and photos

DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 18405 BD**This Permit is issued to:**

City of Sacramento Redevelopment Agency
915 I Street
Sacramento, California 95814

To install approximately 1,400 linear feet of pavement approximately 20 feet wide with 41-foot-long and 46-foot-long pedestrian overlooks, remove existing rail line and install new tracks; construct a new park which will include clearing and grubbing of 16,500 square feet, grading, 3,000 cubic yards of compacted fill, 110 linear feet of concrete walls and 7,000 square feet of landscaping on the left (east) bank levee of the Sacramento River. The project is located in Sacramento between O and R Streets (Section 20, T8N, R4E, MDB&M, City of Sacramento, Sacramento River, Sacramento County).

NOTE: Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project described above.

(SEAL)

Dated: _____

Executive Officer**GENERAL CONDITIONS:**

ONE: This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

TWO: Only work described in the subject application is authorized hereby.

THREE: This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and the Central Valley Flood Protection Board.

FIVE: Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of the Central Valley Flood Protection Board.

SIX: This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 day's notice.

SEVEN: It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

EIGHT: This permit does not establish any precedent with respect to any other application received by the Central Valley Flood Protection Board.

NINE: The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

TEN: The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

ELEVEN: The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

TWELVE: Should any of the work not conform to the conditions of this permit, the permittee, upon order of the Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

SPECIAL CONDITIONS FOR PERMIT NO. 18405 BD

THIRTEEN: All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

FOURTEEN: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Department of Water Resources, City of Sacramento or any other agency responsible for maintenance.

FIFTEEN: The permittee shall contact the Department of Water Resources by telephone, (916) 574-1213, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

SIXTEEN: The Central Valley Flood Protection Board, Department of Water Resources, and City of sacramento shall not be held liable for any damages to the permitted encroachment(s) resulting from flood fight, operation, maintenance, inspection, or emergency repair.

SEVENTEEN: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central

Valley Flood Protection Board may remove the encroachment(s) at the permittee's expense.

EIGHTEEN: The permittee should contact the U.S. Army Corps of Engineers, Sacramento District, Regulatory Branch, 1325 J Street, Sacramento, California 95814, telephone (916) 557-5250, as compliance with Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act may be required.

NINETEEN: The permittee shall be responsible for repair of any damages to the project levee and other flood control facilities due to construction, operation, or maintenance of the proposed project.

TWENTY: The permittee is responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend and hold harmless the State of California, or any departments thereof, from any liability or claims of liability associated therewith.

TWENTY-ONE: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and expense.

TWENTY-TWO: The permittee shall provide supervision and inspection services acceptable to the Central Valley Flood Protection Board. A professional engineer registered in the State of California shall certify that all work was inspected and performed in accordance with submitted drawings, specifications, and permit conditions.

TWENTY-THREE: No construction work of any kind shall be done during the flood season from November 1 to April 15 without prior approval of the Central Valley Flood Protection Board.

TWENTY-FOUR: The permitted encroachment(s) shall not interfere with operation and maintenance of the flood control project. If the permitted encroachment(s) are determined by any agency responsible for operation or maintenance of the flood control project to interfere, the permittee shall be required, at permittee's cost and expense, to modify or remove the permitted encroachment(s) under direction of the Central Valley Flood Protection Board or Department of Water Resources. If the permittee does not comply, the Central Valley Flood Protection Board may modify or remove the encroachment(s) at the permittee's expense.

TWENTY-FIVE: The existing flood wall shall not be cut or penetrated.

TWENTY-SIX: Prior to construction the permittee shall install an X, Y, Z axis based coordinate monitoring system to monitor the levee before, during and after all pile driving activities.

TWENTY-SEVEN: During construction of the project, any and all anticipated or unanticipated conditions encountered which may impact levee integrity or flood control shall be brought to the attention of the Flood Project Inspector immediately and prior to continuation.

TWENTY-EIGHT: In the event existing revetment on the levee slope or channel bank is disturbed or displaced, it shall be restored to its original condition upon completion of the proposed installation.

TWENTY-NINE: Fill material shall be placed only within the area indicated on the approved plans.

THIRTY: Any excavations made in the levee section or within 10 feet of the levee toes or new fill (that requires impervious fill) shall be backfilled in 4- to 6-inch layers with impervious material with 20 percent or more passing the No. 200 sieve, a plasticity index of 8 or more, and a liquid limit of less than 50 and free of lumps or stones exceeding 3 inches in greatest dimension, vegetative matter, or other unsatisfactory material. Backfill material shall be compacted in 4- to 6-inch layers to a minimum of 90 percent relative compaction as measured by ASTM Method D1557-91.

THIRTY-ONE: Density tests by a certified materials laboratory will be required to verify compaction of backfill within the levee section and within 10 feet of the levee toes.

THIRTY-TWO: The permittee shall submit to the Central Valley Flood Protection Board detailed plans indicating the types, location, and method of installing any proposed utility lines prior to their installation.

THIRTY-THREE: Revetment shall be uniformly placed and properly transitioned into the bank, levee slope, or adjacent revetment and in a manner which avoids segregation.

THIRTY-FOUR: The revetment shall not contain any reinforcing steel, floatable, or objectionable material. Asphalt or other petroleum-based products may not be used as fill or erosion protection on the levee section or within the floodway.

THIRTY-FIVE: All debris generated by this project shall be disposed of outside the floodway and off the levee section.

THIRTY-SIX: The project site shall be restored to at least the condition that existed prior to commencement of work.

THIRTY-SEVEN: Upon completion of the project, the permittee shall submit as-built drawings to: Department of Water Resources, Flood Project Inspection Section, 3310 El Camino Avenue, Suite LL30, Sacramento, California 95821.

THIRTY-EIGHT: Debris that may accumulate on the permitted encroachment(s) and related facilities shall be cleared off and disposed of outside the floodway after each period of high water.

THIRTY-NINE: In the event that levee or bank erosion injurious to the adopted plan of flood control occurs at or adjacent to the permitted encroachment(s), the permittee shall repair the eroded area and propose measures, to be approved by the Central Valley Flood Protection Board, to prevent further erosion.

FORTY: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated February XX, 2009, which is attached to this permit as Exhibit A and is incorporated by reference.



ICF Jones & Stokes
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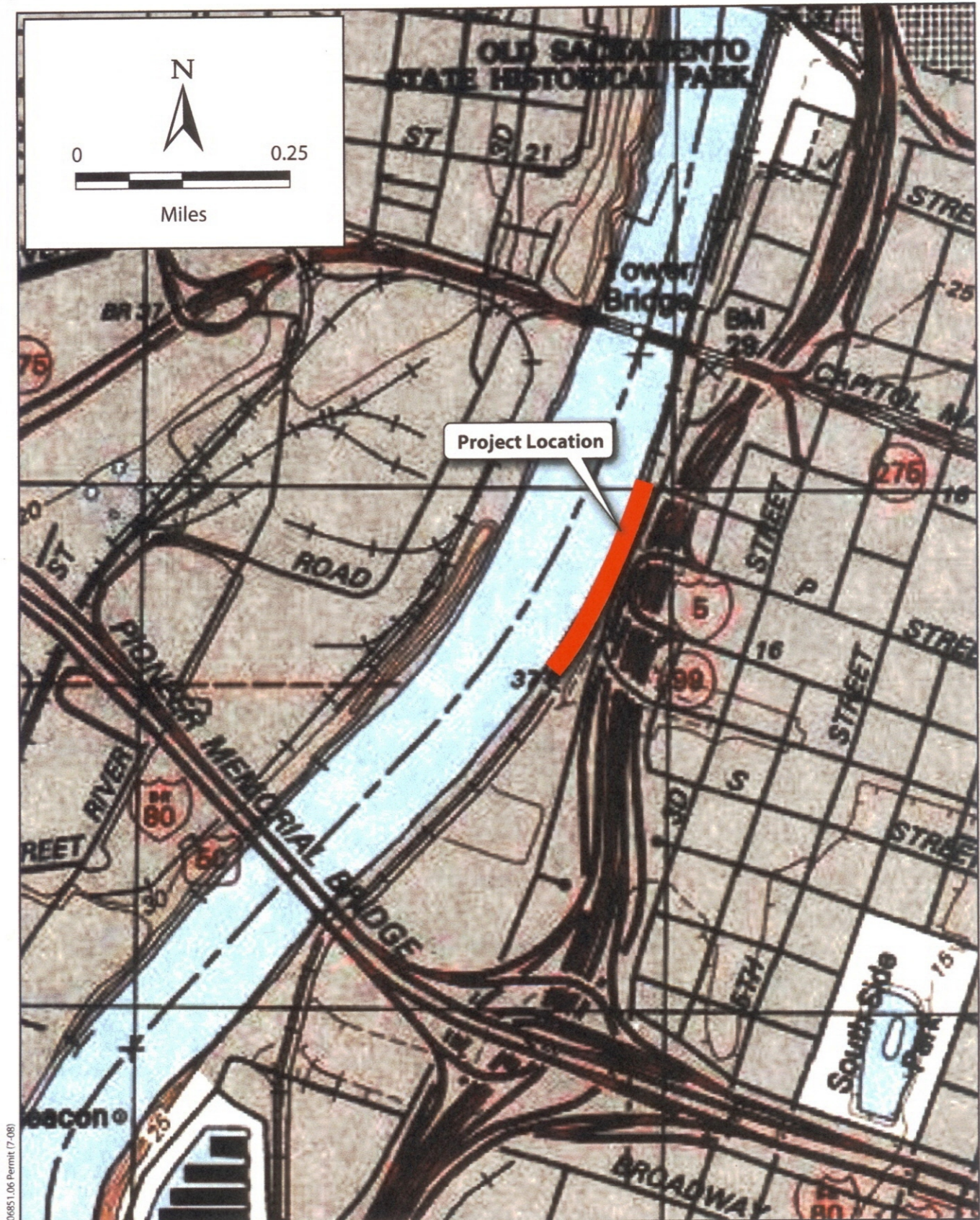


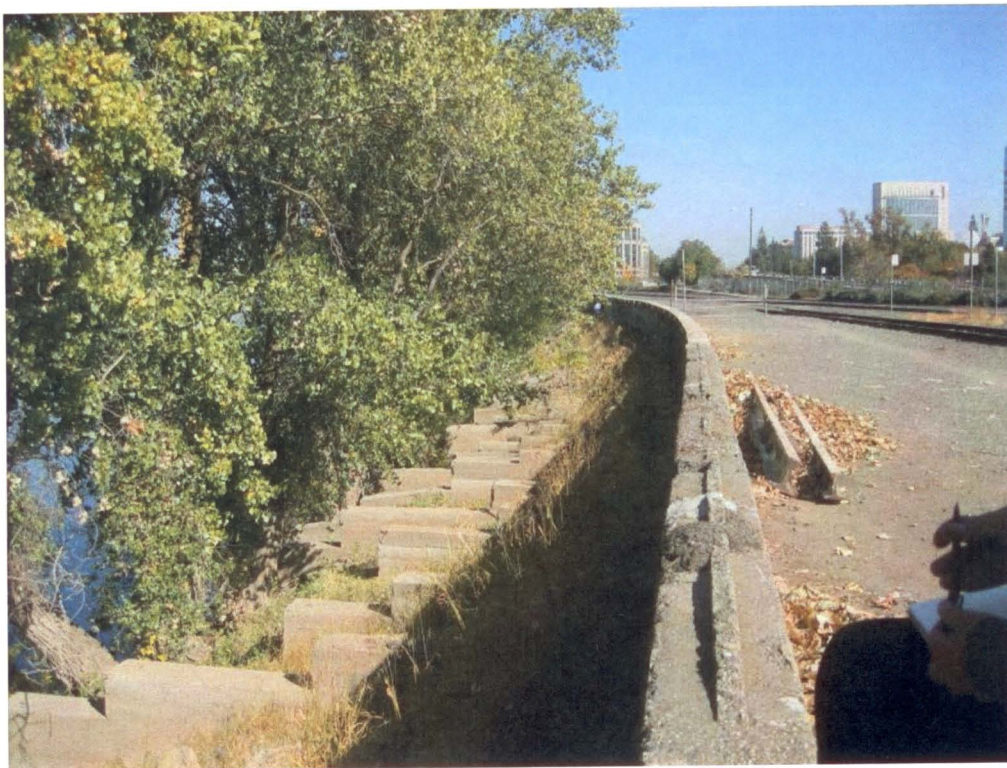
Figure 2
Project Location



Figure 8
Vegetation Delineation



Photograph 1
Existing Promenade (looking south)



Photograph 2
Existing Floodwall (looking north)



Photograph 3
Existing Floodwall and P Street Overlook Location (looking south)



Photograph 4
Railroad Right of Way (looking north)